

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN THE MATTER OF:

DUSTON T. POPE,

DEBTOR.

CHAPTER 13

CASE NO. 12-66232

HON. MARCI B. McIVOR

FIRST APPLICATION FOR APPROVAL AND AWARD OF ATTORNEY FEES AND COSTS

NOW COMES Applicant, ROCHELLE E. GUZNACK, counsel for Debtor, and hereby submits her first application for fees and expenses pursuant to LBR 2016-2 (EDM) as follows:

1. On November 30, 2012, this Chapter 13 case was commenced on behalf of Debtor by Applicant and the case was confirmed on May 22, 2013.
2. Applicant has received fees in the amount of \$3,000.00 prior to filing this application.
3. Applicant requests fees in the amount of \$4,420.00 and expenses in the amount of \$348.00 totaling \$4,768.00 for services rendered between September 26, 2012 and June 14, 2013. There is no remaining retainer on deposit.
4. The following legal services, *inter alia* justify Applicants approval of fees and expenses exceeding \$3,500.00:
 - A. Applicant filed schedules, a chapter 13 plan, and documents to reflect Debtor's financial situation;
 - B. Applicant attended a hearing on Debtor's motion to remit plan payments directly;
 - C. Applicant met with Debtor on numerous occasions, exchanged numerous e-mails, and had multiple telephone conferences with Debtor regarding his Chapter 13 bankruptcy case, including income and allowable expenses, taxes, deductions, mortgage payments, ACH direct payments, etc;
 - D. Applicant reviewed in detail Debtor's financial circumstances, discussed with Debtor his options and communicated with the Chapter 13 Trustee's office regarding the plan and request to allow Debtor to make direct payments as opposed to wage withholding. Applicant

reflect Debtor's changed financial circumstances, and served the required notices on those entities/individuals on the matrix;

E. Applicant reviewed in detail Debtor's real estate documents; and

F. Applicant attended the 341 Meeting of Creditors and three Confirmation Hearings.

G. Applicant spent considerable time obtaining documents to support Debtor's and Debtor's non-filing spouse's income and expenses as a result of the Chapter 13 Trustee's objection to confirmation.

5. Following is a breakdown of time and costs expended in the relevant categories:

A. Case Administration - Applicant spent 7.8 hours or \$1,560.00 in fees for services rendered in connection with the case administration.

B. Chapter 13 Plan – Applicant spent 10.5 hours or \$2,100.00 in fees for services rendered in connection with the Chapter 13 Plan.

C. 341 Meeting and 2004 Examinations – Applicant spent 3 hours or \$560.00 in fees for services rendered in connection with the 341 Meeting.

D. Claims Administration – Applicant spent 0 hours or \$0 in fees for services rendered in connection with claims administration.

E. Relief from Stay, Extension and Imposition of Stay, Adequate Protection – None

F. Financing – None

G. Sale, Realization, and Liquidation of Estate Property – None

H. Adversary Proceedings – Applicant spent 0 hours or \$.00 in fees for services rendered in connection with the Adversary proceeding

I. Business Operations – None

J. Fee Application Preparation – Applicant spent 1 hour or \$200.00 in fees for services rendered in connection with fee application preparation.

6. Pursuant to L.B.R. 2016-1 (a)(5) (E.D.M.) the current status of the case is confirmed.

7. Pursuant to L.B.R. 2016-1 (a)(5)(C) (E.D.M.) the approval of the fee application does not have an adverse impact on the Chapter 13 Plan.

8. Pursuant to L.B.R. 2016-1 (a)(6) (E.D.M.) applicant will continue to monitor and perform any legal services necessary for the continuance of the plan.

9. Pursuant to L.B.R. 2016-1 (a)(7) (E.D.M.) applicant will continue to monitor and perform any legal services necessary for Debtor to receive a discharge.

10. Pursuant to L.B.R. 2016-1 (a)(8) (E.D.M.) the application does not seek an award for services of more than one attorney or one paralegal for a specific instance.

11. Pursuant to L.B.R. 2016-1(a)(9) (E.D.M.) applicant seeks concurrence of the requested fees as set forth in the attached Exhibit 7.

12. Pursuant to L.B.R. 2016-1(a)(11) (E.D.M.) applicant has attached hereto the following exhibits:

Exhibit 1 is the proposed order granting this application.

Exhibit 2 is the order approving employment, if applicable.

Exhibit 3 is the statement of attorney fees pursuant to F.R.Bankr.P.2016(B) or a copy of the retainer agreement.

Exhibit 4 is a summary of hours of service rendered, and the hourly rate charged.

Exhibit 5 is an itemized record of time spent, services rendered, and reimbursable expenses for which compensation is sought.

Exhibit 6 is a brief biological statement of Applicant.

Exhibit 7 is an itemized statement of expenses for which reimbursement is sought.

Exhibit 8 is notice to the Debtors requesting approval of this application.

14. Pursuant to L.B.R. 2016-1(a)(3) attorney fees and costs do exceed \$3,500.00. Applicant seeks approval of fees exceeding \$3,500 for the reason that Applicant spent considerable time advising Debtor, counseled Debtor with respect to bankruptcy options, prepared and filed Debtor's schedules, documents, and Chapter 13 Plan; amended Debtor's Schedules, documents, and Chapter 13 Plan, and prepared and attended a hearing to allow Debtor to remit direct payments as opposed to the entry of a

wage withholding order. Applicant also spent considerable time obtaining and providing the Chapter 13 Trustee with documents to support Debtor's and Debtor's non-filing spouse's income and expenses, requiring Applicant to attend three confirmation hearing. This application for fees covers services rendered and expenses incurred from September 26, 2012 through June 14, 2013.

WHEREFORE, Rochelle E. Guznack hereby moves this court for approval and award of attorney fees in the amount of \$4,420 and expenses in the amount of \$348.00 for a balance totaling \$4,768.00.

LAW OFFICES OF ROCHELLE GUZNACK

/s/ Rochelle E. Guznack (P61675)

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Dated: June 14, 2013